



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/992,253

11/16/2001

Aart Zeger van Halteren

47161-00018USPT

5362

30223

7590

12/28/2005

JENKENS & GILCHRIST, P.C.

225 WEST WASHINGTON

SUITE 2600

CHICAGO, IL 60606

EXAMINER

NGUYEN, TUAN DUC

ART UNIT

PAPER NUMBER

2646

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,253

Applicant(s)

VAN HALTEREN ET AL.

Examiner

Tuan D. Nguyen

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8, 11, 54, 55 and 58-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8, 11-4, 54, 55 and 58-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/03/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 10/03/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. Claims 2, 11, 12, 25, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent number 5,204,917 (Arndt et al).

Regarding claims 2, 25 and 31, Arndt et al disclosure an acoustic receiver (figure 3, 4), comprising: means for converting an input audio signal into an acoustic signal; a housing (22) having a plurality of sides that surround said converting means, one of said sides including an output port for

broadcasting said acoustic signal; a jacket (30,34) having at least three sections for engaging at least three of said sides, said three sections being generally flat and lying on respective ones of said sides, thereby enhancing the structural integrity of said acoustic receiver and protecting said housing and said converting means from damage due to handling, at least two mutually adjacent ones of said three sections contacting corresponding ones of said sides (see figures 3, 4), said jacket having a thickness and a mass adapted to suppress vibrational feedback.

Regarding claims 11 and 12, Arndt et al further discloses wherein said jacket is adapted to shield said converting means from the effects of electromagnetic interference (column 2 lines 58-62).

4. Claims 2, 16, 21, 22, 24, 29, 31 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent number 4,854,415 (Goschke).

Regarding claims 2, 16, 29, 31 and 38, Goschke discloses an acoustic receiver, comprising: means (6) for converting an input audio signal into an acoustic signal; a housing (6) having six sides that surround said converting means, one of said sides including an output port for broadcasting said acoustic signal; and a jacket (9,14) having a rectangular cross-section and sections for closely interfitting with four of said six sides, thereby enhancing the structural integrity of said acoustic receiver and protecting said housing and said converting means from damage due to

handling, said jacket having a thickness and a mass adapted to suppress vibrational feedback, wherein at least one of said sections of said jacket contacts a corresponding one of said four of said six sides directly or via a layer of dampening material sandwiched between said at least one of said sections of said jacket and said corresponding one of said four of said six sides.

Regarding claims 21, 22 and 24, Goschke discloses the transducer is receiver(4) or microphone (6).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-8, 13-15, 17-19, 20, 26-28, 30, 32-34, 36, 37, 39-41, 42-47, 54, 55, and 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent number 4,854,415 (Goschke).
7. Regarding claims 3-8, 27, 32, 34, and 43, Goschke does not disclose specific materials that are made of silicone, stainless steel polymer, Kapton, epoxy, and soft magnetic material.

However, these materials are well known.

Therefore, it would have been obvious to a one ordinary skill in the art at the time of the invention was made to use these well known materials.

Regarding claims 13-15, 33 and 59, Goschke does not disclose wherein said jacket is press-fitted, adhered or welded onto said housing.

However, these mounting means is well known.

Therefore, it would have been obvious to a one ordinary skill in the art at the time of the invention was made to use this well known mounting means.

Regarding claims 26, 28, 37, and 47, Goschke discloses an acoustic receiver, comprising: means (6) for converting an input audio signal into an acoustic signal; a housing (6) having a plurality of sides that surround said converting means, one of said sides including an output port for broadcasting said acoustic signal; a jacket (9,14) having sections for at least partially enfolding said sides, one of said sections and a corresponding side forming a gap (see figure 1) therebetween, thereby enhancing the structural integrity of said acoustic receiver and protecting said housing and said converting means from damage due to handling, said jacket having a thickness and a mass adapted to suppress vibrational feedback.

Goschke does not disclose a printed circuit board located at least partially within said gap, said printed circuit board including electronics for processing said input audio signal.

However, the printed circuit board is well known.

Therefore, it would have been obvious to a one ordinary skill in the art at the time of the invention was made to use the well known printed circuit board for easily connecting electrical components and assembly.

Regarding claims 20, 36, 42, 54, and 60 Goschke an acoustic receiver (4), comprising: means (6) for converting an input audio signal into an acoustic signal; a housing (4) having a plurality of sides that surround said converting means, one of said sides including an output port (3) for broadcasting said acoustic signal; a jacket (9, 14, 14.1) spaced away from said housing; and an acoustic dampening material (14, 14.1) directly sandwiched between at least two mutually adjacent sides of said jacket and corresponding sides of said housing of said acoustic receiver into a hearing aid or a telecommunications system so as to protect said acoustic receiver against damage due to handling thereof during said installation, said jacket having a thickness and a mass adapted to suppress vibrational feedback.

Goschke does not disclose specifically that the jacket with an acoustic dampening material is made prior to installation.

However, the jacket is made prior installation is well known.

Therefore, it would have been obvious to a one ordinary skill in the art at the time of the invention was made to use the well known process for easily and efficiently assembly.

Regarding claims 17-19, 30, 40, 41, 45 and 46, Goschke does not disclose a specific shape such as D-shaped section, trapezium-shaped cross section or cylindrical.

However, Goschke does not restrict to any specific shapes.

Therefore, it would have been obvious to a one ordinary skill in the art at the time of the invention was made to use a different shape or a specific material for a particular application.

Regarding claims 39 and 58, Goschke does not disclose a specific thickness range for the jacket.

However, Goschke does not restrict to any specific sizes.

Therefore, it would have been obvious to a one ordinary skill in the art at the time of the invention was made to use a different size of the jacket for a particular application.

Regarding claim 44, Goschke discloses wherein said damping material is a resilient material (column 2 lines 20-27).

Regarding claim 55, Goschke also shows that wherein said housing further has a third side adjacent one of said two mutually adjacent sides, said jacket also contacting said third side directly or via said layer of acoustical dampening material (see figure 1).

Regarding claim 61, Goschke further shows wherein said jacket contacts said majority of said surface of at least said two mutually adjacent sides of said housing via said layer of acoustical dampening material (see figure 1).

Goschke does not disclose said acoustical dampening material being composed of a material including epoxy.

However, epoxy dampening material is well known.

Therefore, it would have been obvious to a one ordinary skill in the art at the time of the invention was made to use this well known material.

Response to Arguments

8. Applicant's arguments filed 10/03/2005 have been fully considered but they are not persuasive. The applicant's arguments on page 18 lines 1-29, the examiner respectfully disagree.

Regarding claims 2, 25, and 31, Arndt et al clearly disclose at least two mutually adjacent ones of the three jacket sections contacting corresponding ones of the housing sides; said three sections being generally flat and lying on and contacting, either directly or via a layer of acoustical dampening material, respective ones of said sides and a jacket having a rectangular cross-section and sections for closely interfitting with four of said six sides, wherein at least one of said sections of said jacket contacts a corresponding one of said four of six sides directly or via a

layer of dampening material sandwiched between said at least one of said sections and said jacket and said corresponding one of said four of said six sides (see figures 3 and 4).

Regarding claims 20, 26 and 42, Goschke clearly shows at least part of said jacket contacting said housing directly or via a layer of acoustical dampening material sandwiched directly between said at least part of said jacket and said housing; a jacket having sections for at least partially enfolding said sides, one of said sections and a corresponding side forming a gap therebetween and an acoustic dampening material directly sandwiched between at least two mutually adjacent sides of said jacket and corresponding sides of said housing (see figure 1).

Regarding claim 36 does not disclose, an epoxy jacket encapsulating said housing so as to contact said at least two mutually adjacent ones of said sides thereof. However, epoxy dampening material is well known.

Therefore, it would have been obvious to a one ordinary skill in the art at the time of the invention was made to use this well known material.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE**

FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan D. Nguyen whose telephone number is (571) 272-8163. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2646

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TDN
12/22/05



SUHAN N.
PRIMARY EXAMINER